

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA	:	
	:	
v.	:	No. 20-CR-074-MSM
	:	
DAVID STAVELEY,	:	
a/k/a Kurt Sanborn,	:	
Defendant.	:	

**DEFENDANT’S MOTION FOR COMPASSIONATE RELEASE**

Defendant David Staveley, pursuant to 18 U.S.C. § 3582(c)(1), respectfully submits this Motion for Compassionate Release. Mr. Staveley currently is incarcerated at Wyatt Detention Center in pretrial detention. Wyatt is a private prison facility, so Mr. Staveley understands that pursuit of an administrative process there is unnecessary. Mr. Staveley seeks this release now, rather than after sentencing, because of the urgency of the situation, as described below.

In 2011, while incarcerated at the Allenwood Low Federal Correctional Institution in Pennsylvania, Mr. Staveley was a victim of a sexual assault inflicted by a Federal Correctional Officer there.<sup>1</sup> Since that time, Mr. Staveley has suffered from severe Post-Traumatic Stress Disorder (PTSD) and continues to do so at the present time. Mr. Staveley’s current incarceration has rendered his PTSD worse, given his current circumstances. As a victim of such an assault, Mr. Staveley’s incarceration is subject to the Prison Rape Elimination Act, 34 U.S.C. §§ 30301-30309.

Treatment of Mr. Staveley’s mental health illness is unavailable at Wyatt. Members of the mental health staff and the Wyatt Warden have informed Mr. Staveley that nothing is

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<sup>1</sup> Should the Court require an affidavit from Mr. Staveley, counsel can obtain one and refile this Motion accompanied by the affidavit.

available at Wyatt to assist him with his severe PTSD. The Warden has directed correctional officers to stay away from Mr. Staveley, and he is too fearful to have a cellmate in his cell. Accordingly, Mr. Staveley is entirely alone 24 hours per day at Wyatt. He has lost over 50 pounds while in that facility.

Section 3582(c)(1) directs consideration of the sentencing factors contained in 18 U.S.C. § 3553(a) in evaluating requests. Although these factors relate to sentencing, and Mr. Staveley is in pretrial detention, consideration of those factors is relevant to this Motion. Mr. Staveley was indicted for a non-violent crime; accordingly, the protection of the public from him relates only to further crimes, and an alternative setting can be designed to closely monitor his activities. Application of sub-section (D) supports this Motion, as it addresses the need for medical care, and the appropriate care is unavailable in Mr. Staveley's current setting.

Mr. Staveley potentially could be placed in something akin to a halfway house, where he could be closely monitored and be able to receive the mental health care that he requires. He could support himself through non-supervisory work in a restaurant or something similar. Other alternative settings are potentially appropriate.

Whatever the alternatives, Mr. Staveley's current situation is untenable. He is alone 24 hours per day, fearful of contact with correctional officers and so traumatized that he cannot eat. Wyatt officials and mental health care personnel have informed Mr. Staveley that they are unable to provide him with the health treatment he strongly requires. Mr. Staveley respectfully offers that a change is needed immediately.

For the foregoing reasons, Mr. Staveley respectfully requests that this Motion be granted, and that he is soon relocated to a setting in which he can be closely monitored and receive the mental health care he so desperately requires.

Respectfully submitted,

Dated: January 8, 2021

/s/ Mark L. Josephs  
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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to anyone indicated as a non-registered participant on January 8, 2021.

/s/ Mark L. Josephs  
Mark L. Josephs